

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANIEL Z. STERN, individually, and as Parent  
and Natural Guardian of SASHA STERN, a minor,

Plaintiffs,

-against-

OXFORD HEALTH PLANS, INC.,

Defendant.  
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CV12-2379 (JFB)(ETB)

**DEFENDANT OXFORD  
HEALTH INSURANCE, INC.'S  
NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the Declaration of Rodney Lippold dated February 22, 2013 and the exhibits annexed thereto, the Declaration of Maryann Britto dated February 27, 2013 and the exhibit annexed thereto, the Declaration of Crystal B. Irby-Soares dated February 27, 2013 and the exhibit annexed thereto, the Declaration of Michael H. Bernstein dated February 28, 2013 and the exhibits annexed thereto, Defendant's Rule 56.1 Statement of Material Facts dated February 28, 2013, the accompanying Memorandum of Law and upon all prior pleadings and proceedings previously had herein, Defendant, Oxford Health Insurance, Inc., by its attorneys, Sedgwick LLP, will move this Court, on July 11, 2013 at 11:00 a.m., at the United States Courthouse, located at 100 Federal Plaza, Courtroom 920, Central Islip, New York 11722 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing Plaintiffs' ERISA §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B) and ERISA §502(a)(3), 29 U.S.C. §1132(a)(3) Complaint with prejudice on the grounds that the decision denying their claim for continuing long term disability (LTD) plan benefits was not arbitrary and capricious and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
February 28, 2013

Respectfully submitted,

s/Michael H. Bernstein

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MICHAEL H. BERNSTEIN (MB 0579)

JOHN T. SEYBERT (JS 5014)

SEDGWICK LLP

225 Liberty Street, 28<sup>th</sup> Floor

New York, New York 10281-1008

Telephone: (212) 422-0202

Facsimile: (212) 422-0925

(Sedgwick File No. 3246-000167)

***Attorneys for Defendant***

*Oxford Health Insurance, Inc. s/ b/ a/ Oxford Health Plans,  
Inc.*

TO:

Mark R. Osherow, Esq. (MRO-4718)

[mro@katzbarron.com](mailto:mro@katzbarron.com)

100 N.E. Third Avenue, Suite 280

Ft. Lauderdale, FL 33301-1176

Telephone: (954) 522-3636

Facsimile: (954) 522-5119

***Attorneys for Plaintiff***

*Daniel Z. Stern, individually, and as Parent  
and Natural Guardian of Sasha Stern, a minor*

**CERTIFICATE OF SERVICE**

I, JOHN T. SEYBERT, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION FOR SUMMARY JUDGMENT** was served via ECF and Regular Mail on this 28<sup>th</sup> day of February, 2013, upon the following:

Mark R. Osherow, Esq. (MRO-4718)

[mro@katzbarron.com](mailto:mro@katzbarron.com)

100 N.E. Third Avenue, Suite 280

Ft. Lauderdale, FL 33301-1176

Telephone: (954) 522-3636

Facsimile: (954) 522-5119

s/ John T. Seybert

JOHN T. SEYBERT (JS-5014)

Dated: New York, New York  
February 28, 2013